

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH	
UNITED STATES OF AMERICA, Plaintiff,  vs.  FRANCIS J. RENDE, II, Defendant.	MEMORANDUM DECISION AND ORDER DENYING DEFENDANT’S MOTION FOR EARLY TERMINATION OF PROBATION  Case No. 4:22-cr-00019-PK-2  Magistrate Judge Paul Kohler

the Misdemeanor Information on June 13, 2022,<sup>5</sup> pursuant to a Rule 11(c)(1)(C) agreement.<sup>6</sup> He was sentenced the same day to a term of 36 months of probation and \$500 in restitution.<sup>7</sup>

Defendant has now served approximately 1.5 years of his three years of probation and has paid the restitution amount in full.<sup>8</sup> He requests early termination for good behavior while on probation.

## II. DISCUSSION

18 U.S.C. § 3564(c) provides as follows:

The court, after considering the factors set forth in section 3553(a) to the extent that they are applicable, may, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, terminate a term of probation previously ordered and discharge the defendant at any time in the case of a misdemeanor or an infraction or at any time after the expiration of one year of probation in the case of a felony, if it is satisfied that such action is warranted by the conduct of the defendant and the interest of justice.

After considering these factors and for several of the reasons articulated in the government's response brief, the Court DENIES Defendant's motion, Docket No. 42, without prejudice. However, the Court commends Mr. Rende for his efforts and accomplishments while on probation thus far. Mr. Rende may refile the motion after being on probation for at least two years.

SO ORDERED this 16th day of January, 2024.



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PAUL KOHLER  
United States Magistrate Judge

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<sup>5</sup> Docket No. 34.

<sup>6</sup> Docket No. 38, filed August 17, 2022.

<sup>7</sup> Docket Nos. 34 and 40.

<sup>8</sup> See Docket No. 42, at 1; No. 43, at 5.